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June 30, 2021

VIA ECF

The Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007

Re: *Josefino Morales Fortiz, et al. v. Haru Holding, Corp. and Steven Lay*
Case No. 1:21-cv-04630-PAE-KNF
Defendants' Second Motion for Extension of Time to Respond to Complaint

Dear Honorable Judge Engelmayer:

This Firm represents Defendants in connection with the above-referenced litigation. I write to respectfully request an extension of time for Defendants to file their response to Plaintiff's Complaint.

On May 24, 2021, Plaintiff (individually and on behalf of others similarly situated) filed their Class and Collective Action Complaint, alleging multiple types of violations under the Federal and New York Labor Law, including (1) improper taking of the tip credit and failure to pay the minimum wage; (2) failure to pay overtime; (3) failure to issue proper wage notices, (4) failure to issue compliant wage statements, and (5) failure to pay for tools of the trade.

The current deadline for Defendants to file a response to the Complaint is July 1, 2021.

This extension of time is requested in order to allow the parties to discuss a number of legal issues that directly impact the claims asserted in this action. For example, Plaintiff was a class member in a previous class action settlement that impacts a number of his claims asserted in this action. Additionally, Plaintiff subsequently signed an Arbitration Agreement that governs any claims that remain at issue.

For these reasons, Defendants respectfully request an extension of time, through and including **July 22, 2021**, to file a response to the Complaint on behalf of both Defendants. The undersigned defense counsel has conferred with counsel for Plaintiff, who consents to this

June 30, 2021

Page 2

request. This is the second request for extension in this case. There are no other pending deadlines which would be affected by this request for an extension.

I thank Your Honor in advance for Your time and attention to this case.

Respectfully submitted,

By: s/ Ingrid H. Ponce
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